

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL
No: 500-06-001086-202

(CLASS ACTION)
SUPERIOR COURT
(CIVIL DIVISION)

NATHALIE NASSERI,

Applicant

v.

ROYAL BANK OF CANADA, carrying on
business under the trade name **RBC**
REWARDS,

Defendant

**PRELIMINARY APPLICATION FOR LEAVE
TO SUBMIT RELEVANT EVIDENCE
(Art. 574 C.p.c.)**

TO THE HONOURABLE JUSTICE BERNARD TREMBLAY, OF THE SUPERIOR COURT OF QUEBEC, TO WHOM THIS FILE HAS BEEN ASSIGNED, SITTING IN PRACTICE, IN AND FOR THE DISTRICT OF MONTREAL, APPLICANT, THROUGH HER ATTORNEY, RESPECTUOUSLY ALLEGES THE FOLLOWING:

1. The applicant wishes to institute a class action on behalf of the following class, of which she is a member:

“All persons who were a member of the RBC Rewards program, redeemed RBC Rewards points for the purchase of one or many travel tickets, had their trips cancelled due to the Covid-19 pandemic and were not refunded the RBC Rewards points redeemed for the purchase of the travel tickets.”;

(hereinafter referred to as “the Class”)

2. For this purpose, the applicant has filed an application for authorization to institute a class action, as appears from the court record;

3. One of the issues to debate at the hearing on the authorization to institute a class action will be whether, in accordance with subsection 575(3) C.c.p., the composition of the class makes it difficult or impracticable to apply the rules for mandates to sue on behalf of others or for consolidation of proceedings;
4. However, the details of the composition of the Class is not known to the applicant;
5. According to the defendant's annual 2019 report, it has 17 million clients and 7.2 million active digital users, as appears from an excerpt from the said annual report already filed in the court record as exhibit R-6 in support of the application for authorization to institute a class action;
6. Many of the above clients and active digital users are Royal Bank credit cardholders and members of the Class. However, the applicant does not have a list of the persons who own a Royal Bank credit card. Nor does she have a list of persons who have purchased travel tickets by redeeming their RBC Rewards points;
7. The exact number of the Class members, their country of residence and their province of residence at the time they purchased the travel tickets are not known to the applicant or her attorney. Only the defendant has that information;
8. In order to fully assess the applicability of subsections 575 (2) and (3) C.c.p., this honourable Court may need to have in hand the following information:
 - a. The total number of the Class members;
 - b. The number of the Class members who were Canadian residents when they redeemed their RBC Rewards points for the purchase of travel tickets;
 - c. The number of the Class members in subparagraph (b) for each province;
 - d. The number of the Class members who were not Canadian residents when they redeemed their RBC Rewards points for the purchase of travel tickets;
 - e. The number of the Class members in subparagraph (d) for each country of Class member residency at the time of redemption;
9. Providing the above information does not prejudice the defendant;
10. Such information does not prejudice the members of the class as none of them will be identified;
11. The present application is well founded in fact and in law.

WHEREFORE, THE APPLICANT HUMBY PRAYS THIS HONOURABLE COURT THAT BY JUDGEMENT TO INTERVENE HEREIN:

GRANT the present preliminary application to submit relevant evidence;

ORDER the defendant to provide the following information within a delay of fifteen (15) days:

- a. The total number of the Class members;
- b. The number of the Class members who were Canadian residents when they redeemed their RBC Rewards points for the purchase of travel tickets;
- c. The number of the Class members in subparagraph (b) for each province;
- d. The number of the Class members who were not Canadian residents when they redeemed their RBC Rewards points for the purchase of travel tickets;
- e. The number of the Class members in subparagraph (d) for each country of Class member residency at the time of redemption;

SUBSIDIARILY ORDER an out of court examination of the defendant's representative on the above points within a delay of sixty (60) days from the judgement to intervene herein;

THE WHOLE with no costs, except in case of contestation, in which case with costs against the defendant.

Montreal, January 18th, 2021



James Reza Nazem

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ATTORNEY FOR THE APPLICANT

NOTICE OF PRESENTATION

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TAKE NOTICE that the herewith attached application will be presented for allowance to honourable Justice Bernard Tremblay, of the Superior Court of Quebec, in the District of Montreal, sitting in practice division, at the Montreal Courthouse, on 1 Notre-Dame E., at the time and room to be determined by the court.

DO GOVERN YOURSELVES ACCORDINGLY.

Montreal, January 18th, 2021



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Subject: Nathalie Nasseri v. Banque Royale du Canada (C.S.M.: 500-06-001086-202; BLG/f: 243008- ; O/f: 2008JN3552).
Attachments: 2006JN3742.574Ccp.pdf

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Nature of the document :	Preliminary application for leave to submit relevant evidence.
Court record N°:	500-06-001086-202
Name of the parties :	Nathalie Nasseri v. Royal Bank of Canada
Number of pages:	5 pages
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No: 500-06-001086-202
Court: Superior
District of Montreal

NATHALIE NASSERI,

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v.

ROYAL BANK OF CANADA,

Defendant

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FOR LEAVE TO SUBMIT
RELEVANT EVIDENCE**

ORIGINAL

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